

**REMARKS**

Prior to this Amendment, claims 32, 39-41, 54-55 and 57-76 were pending in this application. The Action mailed June 7, 2006 asserted in pertinent part the following points, each of which is addressed by this Amendment as discussed below:

(1) Claims 54-55, 58, 63-73, and 75-76 were rejected under 35 U.S.C. 112, second paragraph, as setting forth certain recitations lacking antecedent basis or for other matters of form enumerated at Page 2, Point 2 of the Action. These matters have been attended to in this Amendment.

(2) Claims 63-69 and 71-73 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Mankey 4,369,989.

(3) Claims 74 and 75 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Schaffner et al. 5,944,131.

(4) Claims 32, 39-41, 57, and 59-62 were indicated as being allowable.

(5) Claim 70 was indicated as being allowable if rewritten in independent form. This has been implemented by the present Amendment.

(6) Claims 54-55, 58 and 76 were indicated as being allowable if rewritten to overcome the 35 U.S.C. 112 rejections noted above (and where appropriate, rewritten in independent form). This has been implemented by the present Amendment.

(7) The Applicant acknowledges the citation of Auer et al. 3,891,234, Wells 6,250,409 and Strautnieks 6,196,343. However, these citations are not considered to detract from the patentability of the claims.

In addition, Point 9 of the Office Action Summary indicated that the specification was objected to by the Examiner, but the text of the Action does not appear to discuss an objection to the specification. Clarification is respectfully requested.

This Amendment also adds new claims 77-94. Claims 77-85 are directed in part to the use of scalloped wheel elements, and claims 86-94 are directed in part to CG (center of gravity) shifting. Support for the scalloped wheel element claims is set forth in the application as a whole, and more particularly at pages 10-11, 15, 27-28, and FIGS. 13A-13E. Support for the CG-shifting claims is set forth in the application as a whole, and more particularly at pages 19 and 29, and FIGS. 1C and 3 of the application as filed.

No new matter has been added, and support for the amended claims and newly presented claims is present in the application as filed.

**The Claims Distinguish Patentably Over Mankey 4,369,989**

Claims 63-69 and 71-73 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Mankey '989.

Claim 63 is amended herewith to further define the recited body profile as comprising a top-of-body profile, to further define that the tail, when in a stowed position, conforms to and is substantially within the top-of-body profile, and that the drive module is operable to control the angle and position of the tail element relative to the body, in a continuously variable manner, to assist in overcoming obstacles or traverse difficult or steep terrain. Support for this amendment is found in the specification, as filed, at pages 23-25, and in FIGS. 8 through 11C.

These elements, in combination, and in conjunction with the other elements of amended claim 63 and its dependents, are not taught or suggested by Mankey.

In particular, Mankey et al. is directed to stabilizing jacks for a skid-steered vehicle. Mankey discloses that stabilizing jacks 60 are pivotally mounted on the frame assembly 14 of a skid steered vehicle 10 to stabilize the vehicle. A jack 60 is pivotally mounted at a first end of each of the elongate load bearing frames 18 of the frame assembly 14. The jacks 60 may be released from a storage position so that a first edge 65 of the jack engages the surface. Propelling the vehicle 10 forward pivots the jacks 60 onto a support surface 68. In this position, the vehicle 10 is supported on the jacks 60, middle wheel members 44 and the rear wheel members 46. The vehicle 10 may be propelled rearward to pivot the jacks 60 out of the support position. A cylinder 30 having a piston connected to a cable 70 maintains the jacks 60 in a storage position after use. In a second embodiment, jacks 92 are mounted on a cross tube 88 extending between the load-bearing frames 18.

However, the Mankey et al. jack, as described and shown therein, does not conform the jack to the top-of-the-body profile as required by claim 63. In addition, the jack of Mankey et al. does not teach or suggest continuous and variable control of the angle and position of the claimed tail element, as set forth in amended claim 63 and its dependents, and as would be useful in traversing steep terrain or overcoming obstacles. The purpose of

Mankey's jack is different from that of the tail of the claimed invention, and there is no suggestion of using a jack for the claimed purpose, or for controlling the tail as claimed.

Accordingly, amended claim 63 and its dependents, as well as the other pending claims, distinguish patentably over Mankey et al., and it is respectfully requested that the 35 U.S.C. 102(b) rejection over Mankey be withdrawn.

The claims distinguish patentably over Schaffner et al. 5,944,131

Claims 74 and 75 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Schaffner et al. 5,944,131.

Claim 75 is canceled. Claim 74 has been amended to specify that the first end, intermediate, and second end wheel elements rotatably attached to the first and second side portions, respectively, are collectively arrayed in a geometrical arrangement having left-right symmetry and fore-aft symmetry. Support for this amendment is found in FIGS. 1A, 3, 5 and 7, together with the specification as filed, at pages 19 and 20.

In addition, claim 74 recites, among other aspects, that the first and second end wheel elements are selectively in contact with or adjacent to the level ground plane.

Such a combination of features, with fore-aft/left-right symmetry and end wheel elements that are either in contact with or adjacent to the level ground plane, is neither taught nor suggested by Schaffner et al.

Schaffner et al. is directed to a mid-wheel-drive power wheelchair in which the drive wheel axis of rotation is forward of the user's eyes and cranial center of perception. FIGS. 1 and 7 of Schaffner show an arrangement including intermediate wheel elements 16 and additional rear wheel elements 18 and forward anti-tip wheel elements 42. Because the center of gravity of the wheelchair is significantly aft of the center wheel axis, however, the forward anti-tip wheel elements 42 of Schaffner contact a ground plane only in tipping situations, such as crossing over and descending the far side of a threshold or higher obstacle. See, e.g., FIGS. 15, 18 and 19 of Schaffner. They otherwise have no contact with a level ground plane.

Schaffner neither teaches nor suggests, as required by amended claim 74, that the first and second end wheel elements are selectively in contact with or adjacent to the level ground plane, and that the first end, intermediate, and second end wheel elements rotatably attached

to the first and second side portions, respectively, are collectively arrayed in a geometrical arrangement having left-right symmetry and fore-aft symmetry.

Accordingly, amended claim 74, as well as the other pending claims, distinguish patentably over Schaffner et al., and the Applicant respectfully requests that the 35 U.S.C. 102(b) rejection based on Schaffner et al. be withdrawn.

### Conclusion

This Amendment attends to each point raised in the pending USPTO Action; and the Examiner is respectfully requested to allow the claims. Please charge any claims fees or other amendment fees required hereby to Jacobs & Kim Deposit Account 503243. If there are any questions, the Examiner is cordially invited to contact the undersigned by telephone, fax or email at the addresses noted below.

Respectfully submitted,



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